

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3
4 IN THE MATTER OF:)
5 JESSE J. McNABB)
6 vs.) No. 04-0544
7 PEOPLES GAS LIGHT and COKE COMPANY)
8 Complaint as to billing/charges)
9 in Chicago, Illinois.)
10
11 Chicago, Illinois
12 November 23, 2004
13 Met, pursuant to notice at 10:00 a.m.
14 BEFORE:
15 Ms. Claudia Sainsot, Administrative Law Judge.
16 APPEARANCES:
17 MR. JESSE J. McNABB
18 P.O. Box 1281
19 Harvey, Illinois 60426
20 pro se;
21 MR. MARK L. GOLDSTEIN
22 3710 Commercial Avenue
 Suite 1
 Northbrook, Illinois 60062
 for respondent.
SULLIVAN REPORTING COMPANY, by
FRANCISCO E. CASTANEDA, CSR,
License No. 084-004235

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
MR. JESSE McNABB		16			22
MR. STEVEN J. KROL	23 43	44			41
MS. LAURA ESTRADA		46	60		
MR. STEVEN J. KROL		63			

1		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>	
	<u>APPLICANT'S</u>	<u>For Identification</u>	<u>In Evidence</u>
2	Complainant's		
	No. A	13	15
3	No. B	13	15
	No. C	13	N/A
4			
5	Respondent's		
	No. 1	24	41
6	No. 2-A	30	41
	No. 2-B	34	41
7	No. 2-C	36	41
	No. 3	38	41
8	No. 4	48	61
	No. 5	50	61
9	No. 6	54	61
	No. 7	55	61
10	No. 8	56	61
	No. 9	57	61
11	No. 10	59	61
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1 JUDGE SAINSOT: By the authority vested in me
2 by the Illinois Commerce Commission, I now call
3 Docket 04-0544. It is the complaint of Jesse J.
4 McNabb versus Peoples Gas Light and Coke Company, and
5 it concerns billing and charges in the City of
6 Chicago, Illinois.

7 Will the parties identify themselves
8 for the record.

9 MR. JESSE McNABB: Jesse McNabb, your Honor.

10 JUDGE SAINSOT: Okay. And your phone number
11 and address, Mr. McNabb.

12 MR. JESSE McNABB: My phone number is
13 (312) 969-3743.

14 JUDGE SAINSOT: And your address?

15 MR. JESSE McNABB: P.O. Box 1281.

16 JUDGE SAINSOT: And your ZIP?

17 MR. JESSE McNABB: Harvey, Illinois 60426.

18 MR. GOLDSTEIN: On behalf of the Peoples Gas
19 Light and Coke Company, Mark L. Goldstein, 3710
20 Commercial Avenue, Suite 1, Northbrook, Illinois
21 60062. My telephone number is (847) 564-5573.

22 I have two witnesses this morning,

1 Steven J. Krol and Laura Estrada.

2 JUDGE SAINSOT: Okay. How we will proceed,
3 Mr. McNabb, the trial is, both parties can give a
4 brief opening statement and you will present your
5 case in chief.

6 At that time, you can present any
7 witnesses you want, any evidence you want. You can
8 present yourself as a witness as well. And then
9 after you're done with your case, Peoples will
10 present its defense. And after that, you can present
11 any rebuttal evidence.

12 Rebuttal evidence only concerns what
13 was presented by Peoples Gas. It can't be new
14 evidence. And then that's it. Then I issue an
15 order. You have chance to file exceptions to that
16 order. There will be a date on that order for you --
17 I mean, assuming that you want to file exceptions,
18 there will be a date for the parties to file
19 exceptions if they're so inclined.

20 And then it becomes -- after that, it
21 goes to the Commission. The Commission issues a
22 final order.

1 Okay. You can proceed, if you'd like,
2 to give me a brief opening statement about what your
3 case is about. You can. You don't have to, though.

4 MR. JESSE McNABB: Okay. Basically, it's
5 regarding charges that were not made by myself.

6 JUDGE SAINSOT: Anything else, Mr. McNabb?

7 MR. JESSE McNABB: No, that's it.

8 MR. GOLDSTEIN: My opening statement will be
9 quite brief.

10 This complaint involves a theft of gas
11 at 11411 South May in Chicago. Mr. McNabb as the
12 owner of the property benefited from the theft and is
13 liable under the billing for the gas service to
14 Peoples Gas in the amount \$6,354.95 for the period of
15 June 2nd, 1993, to July 8th, 2002.

16 JUDGE SAINSOT: Okay. Mr. McNabb, you proceed
17 with your case in chief.

18 MR. GOLDSTEIN: Could we have him sworn.

19 JUDGE SAINSOT: Are you going to present
20 evidence?

21 MR. JESSE McNABB: Yes.

22 JUDGE SAINSOT: Okay. Are you going to

1 testify?

2 MR. JESSE McNABB: Yes.

3 JUDGE SAINSOT: Okay.

4 (Witness sworn.)

5 JUDGE SAINSOT: Okay. You can proceed.

6 MR. JESSE McNABB: I'd like to pass out my

7 evidence, if that's okay.

8 JUDGE SAINSOT: Okay. Do you have a copy for

9 counsel?

10 MR. JESSE McNABB: Yes.

11 JUDGE SAINSOT: And do you have a copy for me?

12 MR. JESSE McNABB: Yes.

13 JUDGE SAINSOT: Who are these people?

14 MR. JESSE McNABB: These are neighbors, people

15 that live within the community.

16 JUDGE SAINSOT: Do you know Benner Spraggins?

17 MR. JESSE McNABB: Just from, you know, coming

18 to the house to check on it on occasion.

19 JUDGE SAINSOT: Do you know Charles Smith.

20 MR. JESSE McNABB: Same.

21 JUDGE SAINSOT: Do you know Ottoway Stewart, I

22 think?

1 MR. JESSE McNABB: Yes.

2 JUDGE SAINSOT: Do you know Willie J.G. Taylor?

3 MR. JESSE McNABB: Yes. He's a neighbor.

4 JUDGE SAINSOT: These are names on the

5 affidavits. And you also have some --.

6 MR. JESSE McNABB: Yes. I've got some ComEd

7 bills for the portion of the period that's in

8 question.

9 MR. GOLDSTEIN: Well. . .

10 MR. JESSE McNABB: I had called ComEd to see if

11 I could get the verification of having an account

12 during the years, you know, that are in question.

13 But they said they could only go back two years.

14 These are some of my old records from

15 ComEd.

16 JUDGE SAINSOT: All right. So you have -- you

17 also have --.

18 MR. JESSE McNABB: A violation sheet, which

19 shows back in '97, if I'm not mistaken, where there

20 were violations that had to be corrected. And if you

21 look on the violation sheet, you'll see that the

22 house was vacant.

1 JUDGE SAINSOT: Okay. So you have three sets
2 of documents. One are your ComEd bills, a group of
3 ComEd bills. We'll call that Complainant's
4 Exhibit A.

5 (Whereupon, Complainant's
6 Exhibit No. A was marked
7 for identification by ALJ.)

8
9 JUDGE SAINSOT: And you have building code
10 violations for the premises. We'll call that
11 Complainant's Exhibit B.

12 (Whereupon, Complainant's
13 Exhibit No. B was marked
14 for identification by ALJ.)

15 JUDGE SAINSOT: And then you have the
16 affidavits of the people I previously mentioned.
17 We'll call that Complainant's Exhibit C.

18 (Whereupon, Complainant's
19 Exhibit No. C was marked
20 for identification by ALJ.)

21 JUDGE SAINSOT: Mr. Goldstein, do you have any
22 objection to the admission of these documents into

1 evidence?

2 MR. GOLDSTEIN: Yes, I do. With respect to the
3 affidavits of the neighbors, I guess, it's not
4 evidence of anything as far as presenting evidence in
5 this matter.

6 Mr. McNabb had the opportunity to
7 bring these people in so I could cross-examine them.
8 I cannot cross-examine an affidavit. It's not
9 evidence of anything, and it should not be admitted.

10 With respect to ComEd bills and the
11 building violations, I have no objection to those.

12 JUDGE SAINSOT: Mr. McNabb?

13 MR. JESSE McNABB: Well, if he's not going to
14 admit the affidavits, then I'm going to ask for time
15 to maybe get these witnesses in so they can testify.

16 JUDGE SAINSOT: The time to bring witnesses in,
17 Mr. McNabb, is today. This is trial.

18 I also note that these affidavits are
19 very -- there's no indication in the record that
20 these people have personal knowledge as to what
21 they're testifying to, which is another -- I think
22 that troubles me. So on that basis, I am going to

1 not admit Complainant's Exhibit C but Complainant's
2 Exhibit A and Complainant's B will be admitted into
3 the record.

4 (Whereupon, Complainant's
5 Exhibit No. A and B were
6 admitted into evidence.)

7 JUDGE SAINSOT: Perhaps, Mr. McNabb, you'd like
8 to tell me the significance of the electric bills
9 since it's not readily apparent to me.

10 MR. JESSE McNABB: The amounts on the bills,
11 the only thing I was charged for was service -- just
12 having the service. There's very little usage
13 involved. And as I mentioned on the complaint, the
14 electrical was basically for the operation of power
15 tools.

16 JUDGE SAINSOT: Okay. Thank you. Anything
17 else, Mr. McNabb?

18 MR. JESSE McNABB: Well, I think my information
19 that I provided on the neighbors should be included
20 in as evidence. These are people that have lived in
21 the community for well over 20 years.

22 JUDGE SAINSOT: So you're saying that this

1 building was vacant?

2 MR. JESSE McNABB: Yes, since '92. It has
3 never been occupied. As a matter of fact, when I
4 bought the unit, I boarded it up. And it's been that
5 way since -- until the beginning of this year.

6 JUDGE SAINSOT: Was there gas to the property?

7 MR. JESSE McNABB: No, there wasn't.

8 JUDGE SAINSOT: Anything further?

9 MR. JESSE McNABB: Not right now.

10 JUDGE SAINSOT: So you're resting?

11 MR. JESSE McNABB: Yes.

12 JUDGE SAINSOT: If you rest, Mr. McNabb, that
13 means you can't present any new evidence after this,
14 except to rebut what Peoples presents. Do you
15 understand that?

16 MR. JESSE McNABB: Yes.

17 JUDGE SAINSOT: Okay. You can proceed,
18 Mr. Goldstein.

19 MR. GOLDSTEIN: All right. Thank you.

20

21

22

1 CROSS-EXAMINATION

2 BY

3 MR. GOLDSTEIN:

4 Q Let's first look at the ComEd bills that
5 you presented, Mr. McNabb, your Exhibit A.

6 I note that those are bills showing
7 some service from 1999.

8 A Right.

9 Q Approximately in November of '99 through
10 November -- or December of 2000.

11 Is there some reason why you picked
12 out that particular period of time to present these
13 bills.

14 A No. These are the only bills that I had
15 that I could bring.

16 Q Are those the only bills that you found?

17 A Right. These are the only ones that I
18 found.

19 Q And they do show there was some electric
20 usage at the premises during that November 1999
21 period to December of 2000; correct?

22 A Yeah.

1 Q All right. And with respect to your
2 Exhibit B, which is the building violations that you
3 showed from back in March of 1997, what is the
4 purpose of showing -- having this as an exhibit?

5 A Well, I did have a space there to show that
6 the unit was vacant.

7 Q Would you point that out to me, please.

8 JUDGE SAINSOT: On the front page,
9 Mr. Goldstein, of the list of violations. It's
10 No. 7 -- no, excuse me. Violation No. -- I just saw
11 it.

12 BY MR. GOLDSTEIN:

13 Q No. 6.

14 A Right.

15 Q Did you, in fact, notify the building
16 department that the property was vacant?

17 A Yes, I did.

18 Q And you went to court on these numerous
19 violations; correct?

20 A Yes.

21 Q And what did the Court determine with
22 respect to those violations? Were you found guilty?

1 A Well, I cleared them up, and I paid the
2 fine that was asked.

3 Q And could you tell us when you purchased
4 11411 South May?

5 A November 18th, 1992, I believe.

6 Q Do you remember the name of the seller?

7 A It was the Veterans Administration.

8 Q And what is located at 11411 South May?

9 A It's a single family residence.

10 Q And how many bedrooms are there?

11 A Three.

12 Q And is there a separate living room and
13 dining room?

14 A Yes.

15 Q And there's a basement?

16 A Yes. A partial basement.

17 Q Subbasement?

18 A Yeah.

19 Q Do you have any idea how many square feet?

20 A It's approximately 1200 square feet.

21 Q Have you ever applied to Peoples Gas for
22 gas service at 11411 South May?

1 A At the beginning of this year, I believe.

2 Q Do you know whether you applied for it or
3 your proposed tenant did?

4 A My tenant.

5 Q Did you ever live at 11411 South May?

6 A No.

7 Q Now, directing your attention to March 10,
8 2004, did you provide access to Peoples Gas personnel
9 to view the meter at 11411 South May?

10 A Yes, I did.

11 Q And did you go down into the subbasement
12 where the meter was located with the Peoples Gas
13 personnel?

14 A I was down there when they were working.
15 When they took the -- they were asked to -- or in the
16 very beginning, they were to come out to test the
17 meter.

18 And when they got out there, they took
19 the meter; and I thought they were going to test it
20 in their truck, but they actually took the meter.

21 Q Do you recall whether one of the Peoples
22 Gas personnel took pictures of the meter?

1 A No. No, I didn't see anyone take pictures.

2 Q Were you present when pictures were taken?

3 A No.

4 Q Did you have any conversation with any of
5 the Peoples Gas personnel at the premise on
6 March 10th?

7 A If I'm not mistaken, I believe I asked them
8 about how soon we can get gas service there. That
9 was basically it.

10 Q And, ultimately -- am I correct that you
11 received a letter from Peoples Gas with respect to
12 the billing for gas service at 11411 South May; do
13 you recall that?

14 A Yes, I did.

15 Q And you also received the bill for
16 \$6,354.95, correct, with that letter?

17 A That was the -- yeah. Yeah.

18 Q And the letter explained to you that there
19 was a theft of gas at that address; is that right?

20 A Well, after calling numerous times, they
21 finally told me that -- well, they actually accused
22 me of gas theft.

1 Q All right.

2 MR. GOLDSTEIN: I have nothing else.

3 EXAMINATION

4 BY

5 JUDGE SAINSOT:

6 Q Mr. McNabb, are you saying that the gas to
7 this -- the premises in question was shut off during
8 this time period?

9 A I don't know. I never had any reason to
10 use gas. Most of the time that the -- that I had the
11 building during that period, it was boarded up.

12 Q Well, did you get a bill?

13 A I never got a bill.

14 Q Okay.

15 A I never applied for services.

16 Q Was there running water to this building?

17 A No.

18 Q There was no running water to this
19 building?

20 A No. No.

21 JUDGE SAINSOT: Okay. Thank you.

22 Do you have other witnesses?

1 MR. GOLDSTEIN: Yes, I do. I'd like to call my
2 first witness, if I may. It's Mr. Krol, as I
3 identified him before.

4 JUDGE SAINSOT: Okay.

5 MR. GOLDSTEIN: Mr. Krol, would you state your
6 name again -- oh.

7 MR. STEVEN KROL: Steven J. Krol, K-r-o-l.

8 JUDGE SAINSOT: Okay.

9 (Witness sworn.)

10 STEVEN J. KROL,
11 having been called as a witness herein, after having
12 been first duly sworn, was examined and testified as
13 follows:

14 DIRECT EXAMINATION

15 BY

16 MR. GOLDSTEIN:

17 Q Mr. Krol, could you tell us what your
18 position is with Peoples Gas Light and Coke Company?

19 A Investigator with the revenue protection
20 unit.

21 Q And how long have you been employed by
22 Peoples Gas?

1 A I'm in my 18th year.

2 Q And you're a field investigator at this
3 point in time?

4 A Yes.

5 Q And how many years have you been a field
6 investigator for Peoples Gas?

7 A Seven, seven years.

8 Q And during those seven years as field
9 investigator, have you had many occasions to
10 investigate gas thefts?

11 A On a daily basis.

12 Q And could you give us some idea of how many
13 gas thefts you have investigated in the last seven
14 years?

15 A That would be a rough guess. Hundreds.

16 Q All right. You went out to 11411 South May
17 on March 10th of this year; is that correct?

18 A Yes, I did.

19 Q And let me show you what I've marked as
20 Respondent's Exhibit 1.

21

22

1 (Whereupon, Respondent's
2 Exhibit No. 1 was marked
3 for identification by counsel.)
4

5 BY MR. GOLDSTEIN:
6

7 Q It's an exhibit of three pages, Mr. Krol.
8 And what I'd like you do is, first, explain -- on the
9 top of the sheet, it says billing details, Abrams
10 Elizabeth and the address.

11 As far as you know, what does that
12 mean.

13 A That's our last customer of record for the
14 property located at 11411 South May, and it also
15 tells me that the property is a house.

16 Q Okay. And there are handwritten notes on
17 that page; do you see those?

18 A Yes, I do.

19 Q And were those your notes that you made on
20 March 10th?

21 A Yes. All the handwritten notes are mine.

22 Q All right. Now, could you explain to us

1 starting with the note that says 0815, off, no lock,
2 what that means?

3 A Okay. When I went out to the premise and
4 made the inspection, I used this sheet to tell me --
5 it gives me a little information of what I'm looking
6 for, what to expect.

7 What I did was I found meter
8 No. 2184958. That's in the black area. Okay. I
9 found that meter there. This sheet, this billing
10 detail would tell me that it's an inactive account
11 and that it was turned off. That indicates that the
12 meter should have been locked.

13 I found the meter -- I read the meter
14 at an index of 0815 and I found it in the off
15 position with no lock in the ears of the stopcock.

16 Q All right. And on the right-hand side of
17 that exhibit, there's a variety of information
18 starting with the term, F, slash, A, 100,000 and the
19 word "new." Would you describe what all that means
20 on the right-hand side there.

21 A When we make an inspection, we always try
22 to get to the appliances on the premise. And those

1 notes in the right-hand corner indicate -- I'm
2 indicating that there was a new forced air furnace.
3 That's my abbreviation, forced air. And it was a
4 furnace that was rated at 100,000 BTUs.

5 The next line, there was a hot point,
6 A -- I know this because I wrote this. A hot point,
7 a water tank. There was a 40 gallon, 34 BTUs. There
8 was a range that I noticed and a dryer all there in
9 the house at the time of my inspection.

10 Q Now, there's a term on the bottom of this
11 sheet which says, Main cut 7/8/02. What does that
12 refer to?

13 A Well, because the gas was off, no lock, I
14 called our office to find out what the status of our
15 service pipe was. And I found out that the main was
16 cut on 7/8 of '02. The pipe was physically cut. So
17 there was no -- at the time of my inspection, there
18 was no gas in the building.

19 Q As of July 8, 2002?

20 A Right. Correct.

21 Q Now, there's another notation which starts
22 three-quarter inch in EL at top of standpoint. What

1 does that mean?

2 A That's notes -- after we had the meter
3 removed, we secured our service pipe with a
4 three-quarter inch freewheeling plug, a locking plug
5 and an elbow at the top of the standpoint. That's
6 just -- we secured our piping. That's the standard
7 way of securing our portion of the service that's in
8 the customer's house.

9 Q Let's go to the second page of Exhibit 1.
10 Again, these are your notes that you took at the
11 premises on March 10, 2004; correct?

12 A The bottom three lines are my notes.

13 Q And does that reference a discussion that
14 you had with Mr. McNabb on March 10th?

15 A Yes. Yes, it does. When we arrived at the
16 premise, we were met by Mr. McNabb, and I began to
17 question. We had a very brief conversation, as I
18 remember.

19 And the few notes that I did take are
20 reflected on bottom of the page. Mr. McNabb told me
21 that he had been the owner of the house for eight
22 years. And when I questioned him further, he claimed

1 that downtown, meaning our office, had all of the
2 information that I was asking him. And he didn't
3 seem to want to get into it at that -- get into it
4 again with me.

5 So I left it at that. But he did -- I
6 did find out that the top portion of the notes are
7 notes from our office rep. That's just more
8 information that I took to the premise.

9 And the new tenant -- that's my
10 writing, "new tenant" I confirmed that it would be
11 Ms. Gwen Johnson. And I would have confirmed that
12 from Mr. McNabb.

13 Q All right. And let's turn now to the third
14 page of the exhibit. Again, these are your notes
15 with respect to what you found when you were out at
16 the premises?

17 A Yes.

18 Q And it indicates that you took four
19 pictures at the premises; is that right?

20 A Yes, I did.

21 Q And they're numbered and indicate
22 approximately what those pictures show; is that

1 right?

2 A Yes. That's the top portion of my
3 handwriting, my notes. Photo number three, four,
4 five, and six. That's just the number that came up
5 on the camera. It's a way that we track our photos.

6 Q And you were down in the subbasement and
7 you took photos of the meter and the -- what
8 surrounded the meter; correct?

9 A Yes, we did.

10 Q And then --?

11 A Yes, I did.

12 Q And that was on March 10th, 2004?

13 A Yes.

14 Q Now, let me show you what I'm going to mark
15 as Exhibit 2-A.

16 (Whereupon, Respondent's
17 Exhibit No. 2-A was marked
18 for identification.)

19 BY MR. GOLDSTEIN:

20 Q Now, as I understand it, you took this
21 particular photograph on March 10th?

22 A Yes, I did.

1 Q And in your judgment, does it truly and
2 correctly portray what it seems to portray; that is,
3 the meter at 11411 South May?

4 A Yes, it does.

5 Q All right. Now, could you point out to us
6 how the gas comes into the residence at 11411 South
7 May?

8 A Okay. On your picture, the copy is not as
9 clear as the original. But as you're looking at the
10 picture, it's the large pipe on the left as you look
11 at the photo. And the gas goes -- it's traveling up
12 the pipe. It makes a couple of bends through the
13 elbow and it goes down --.

14 JUDGE SAINSOT: Excuse me, Mr. McNabb, can you
15 turn that off, please.

16 MR. JESSE McNABB: Yeah, I just did.

17 JUDGE SAINSOT: Anybody else have something
18 they need to turn off?

19 Okay. Continue. Sorry about that,
20 Mr. Krol.

21 THE WITNESS: It goes through the stopcock.
22 Now that's the mechanism that I referred to before

1 with the ears. That would be the actual shut off on
2 the bar, the thing with the hole in it, for lack of a
3 better term. That's what I'm talking about when I'm
4 talking about the stopcock.

5 And it goes through what we call a
6 swivel into the meter. That's where the gas is
7 registered, and it comes out what I'm going to
8 continue to call the outlet side.

9 Now the gas is metered and it goes
10 through the bar once again and into the house piping.
11 The house piping takes the gas, which is now metered,
12 to any and all appliances in the building.

13 The left side of the pipe is called
14 the inlet side or R side house -- building service.
15 Anything above the stopcock is unmetered gas. It
16 isn't metered until it goes, obviously, goes through
17 the meter. And once it's in the house pipe or the
18 outlet side, it is metered gas.

19 BY MR. GOLDSTEIN:

20 Q Now, looking at Exhibit 2-A, what, if
21 anything, is unusual about the setup of the meter and
22 the inlet valve to the meter?

1 A Well, on the day I made my inspection, as I
2 approached the meter, I immediately noticed that the
3 back wall and the inlet an outlet piping were painted
4 the color that it is, red, rust, whatever.

5 But I noticed on the inlet side of the
6 piping, before the meter, there's a small portion
7 above the collar, the meter bar collar, all that does
8 is anchor the bar to what we call the inlet nipple.
9 This area right above the inlet collar is not
10 painted.

11 I thought that was very peculiar
12 seeing that all of the other piping was painted. And
13 I looked -- as I looked further, that drew my
14 attention to the inlet side, specifically the inlet
15 nipple.

16 Q All right. And you took a photograph of
17 that?

18 A I took an overall photo.

19 Q And you also took a second photo of the
20 inlet nipple --?

21 A Yes --.

22 Q -- is that right?

1 A -- I did.

2 Q And I've had that marked a Exhibit 2-B.

3 (Whereupon, Respondent's

4 Exhibit No. 2-B was marked

5 for identification.)

6 BY MR. GOLDSTEIN:

7 Q And, again, that photograph of 2-B, the
8 inlet nipple, in your judgment you took the
9 photograph and it truly and accurately reflects what
10 it shows on that photograph?

11 A Absolutely.

12 Q Now, looking at the inlet nipple, could you
13 explain to Mr. McNabb and the judge what that
14 photograph shows.

15 A When I drew my attention to the inlet
16 nipple, I immediately noticed what we call as a
17 compression ring. It's that series of what looks
18 like -- again, it's probably -- you probably can only
19 see it on the original. But it's a series of
20 dot-like markings on the piping itself.

21 And the significance of that is,
22 there's three components underneath this inlet meter

1 bar collar. And there's -- on the bottom, there
2 should be a rubber gasket. On top of the rubber
3 gasket is what I call a metal retaining ring, and
4 there's a compression spring that sits on top.

5 When the serviceman sets the meter and
6 tightens the inlet collar, that spring clamps down on
7 that inlet nipple and almost -- and always leaves
8 what I call a compression ring. And that's what
9 we're looking at, a compression ring.

10 Now, along with the fact that the
11 piping is painted only up to a certain portion of the
12 inlet nipple, it indicated to me that someone had
13 this inlet collar down; and when they put it back up,
14 they didn't put it up quite as far as prior -- the
15 previous setting. That exposed the compression ring
16 and that exposed the bare non-painted inlet nipple.

17 And it's important to notice -- note
18 that once you take a meter down and you put it back
19 up, you could never line it upper perfectly the way
20 it was originally set.

21 So that just goes -- that told me
22 right away that this meter was down. First of all,

1 it wasn't put back where it was originally placed by
2 our service department. That told me the inlet --
3 the compression ring told me that right off the bat.

4 Secondly, it wasn't even put up to the
5 paint line.

6 Q And you took a third photograph in that
7 area; is that correct?

8 A Yes, I did.

9 Q Let me show what's been marked as
10 Respondent's Exhibit 2-C.

11 (Whereupon, Respondent's
12 Exhibit No. 2-C was marked
13 for identification.)

14 BY MR. GOLDSTEIN:

15 Q Again, Mr. Krol, you took this particular
16 photograph; is that right?

17 A Yes, I did.

18 Q And could you tell us what it truly and
19 accurately reflects?

20 A That's inlet nipple of the meter bar
21 assembly.

22 Q And what evidence does that show that the

1 meter was down or was not in the correct position?

2 A That confirms everything I've said so far
3 because after we had the meter bar dropped, if you
4 notice, the bottom component, the rubber gasket is
5 set on the threads of the inlet nipple.

6 This is three-quarter inch pipe and
7 it's threaded. Above it is the retaining ring and
8 the spring, you see, is on top. The service
9 department -- no gas company employee would ever set
10 a meter on the threads of the inlet nipple. It just
11 causes leaks.

12 That -- the whole purpose of that
13 rubber gasket is to adhere to the smoothness of the
14 pipe and to form the seal. No serviceman would ever
15 set a meter like that.

16 Q And did that further confirm what you
17 suspected, that there was a theft of gas at 11411
18 South May?

19 A In my experience, this is very common --
20 this is how our equipment is left after it's been put
21 up after it's been taken down.

22 When it's been taken down and put up

1 for our inspection, generally speaking, it's left in
2 this condition, set on the -- the rubber gasket is
3 set on the thread. It's quite difficult to get that
4 gasket in the proper position.

5 Q And when you went out to the property on
6 March 10th, you had someone with you? You had
7 another person from the gas company with you?

8 A Yes, I did.

9 Q And what is that person's name?

10 A Elbert Walters, E-l-b-e-r-t W-a-l-t-e-r-s.

11 Q And, ultimately, there is a gas diversion
12 field investigator summary that's prepared. And let
13 me show you a document that I've marked as
14 respondent's Exhibit 3.

15 (Whereupon, Respondent's
16 Exhibit No. 3 was marked
17 for identification.)

18 BY MR. GOLDSTEIN:

19 Q And my question to you, Mr. Krol, is, does
20 this summary accurately reflect what you've been
21 describing thus far in your field notes and the
22 photographs that were taken on March 10th, 2004?

1 A Yes, it does.

2 Q And, in fact, you did remove the meter on
3 that day?

4 A Yes.

5 Q And that's also reflected in your notes?

6 A Yes.

7 MR. GOLDSTEIN: I have nothing else of the
8 witness.

9 JUDGE SAINSOT: Do you have some questions?

10 MR. JESSE McNABB: Yes. May I see the original
11 photos.

12 THE WITNESS: Sure.

13 JUDGE SAINSOT: Mr. Goldstein, are you going to
14 be entering these into evidence?

15 MR. GOLDSTEIN: Yes, I am. I'm going to move
16 for their admission as soon as Mr. McNabb finishes.

17 JUDGE SAINSOT: You can proceed.

18 MR. JESSE McNABB: I don't believe that's the
19 meter.

20 JUDGE SAINSOT: Well --.

21 MR. JESSE McNABB: We've got --.

22 JUDGE SAINSOT: Let me finish.

1 You can present that as testimony in
2 rebuttal, but right now what we're doing is asking
3 Mr. Krol questions.

4 So if you have any questions, this is
5 cross-examination. This is your time to do it. Your
6 time for rebuttal is later.

7 MR. JESSE McNABB: Okay. No questions.

8 MR. GOLDSTEIN: All right. Then I would move
9 into evidence Respondent's Group Exhibit 1,
10 Respondent's 2-A, 2-B and 2-C and Exhibit 3.

11 JUDGE SAINSOT: Any objections, Mr. McNabb?

12 MR. JESSE McNABB: No.

13 JUDGE SAINSOT: Okay. That being the case,
14 your motion is granted. And just for the record
15 Respondent's Exhibit 1, Peoples Gas records regarding
16 the address in question. Respondent's Exhibit 2-A,
17 2-B and 2-C are photos of the meter and portions of
18 the meter. And Respondent's Exhibit 3 is a Peoples
19 Gas diversion field investigator summary.

20

21

22

1 (Whereupon, Respondent's
2 Exhibit Nos. 1, 2-A, 2-B, 2-C
3 and 3 were admitted into
4 evidence.)

5 JUDGE SAINSOT: I have two quick questions for
6 you, Mr. Krol.

7 EXAMINATION

8 BY

9 JUDGE SAINSOT:

10 Q I just want to make sure I got this right.
11 You went out to this premises in '92?

12 A No. I was there on 3/10 of '04.

13 Q Okay.

14 A The '02 date -- yeah. I was there on 3/10
15 of '04.

16 Q Okay. And the gas was cut off in '92 at
17 the street level or --?

18 A Yes.

19 Q At the street level.

20 A At the main.

21 Q So how -- what happens there because now
22 it's at the meter level?

1 Do you understand what I'm saying.

2 A I think I do.

3 Q Did somebody turn it on at the street level
4 or at the main?

5 A No. Once it's cut at the main, it's cut at
6 the main.

7 Q Then how did it get turned on to get to the
8 meter?

9 MR. GOLDSTEIN: Well. . .

10 BY JUDGE SAINSOT:

11

12 Q You don't? I mean, that's fine if you
13 don't know.

14 A No. I mean -- you know, I don't know if --
15 I don't know if -- what were the bill dates?

16 MR. GOLDSTEIN: She said '92.

17 THE WITNESS: I'm sorry. Oh, my goodness. I'm
18 sorry. 2002. I'm sorry. 2002. My mistake. My
19 apologies. It was cut off at the main 7/8 of 2002.

20 BY JUDGE SAINSOT:

21 Q Okay. And did it get turned on at some
22 point?

1 A Not to my knowledge.

2 Q Okay. So that still --?

3 A It was off at the main when I made my
4 inspection.

5 Q Okay. Okay.

6 A I'm sorry.

7 Q No, no. That's fine. That's fine.

8 JUDGE SAINSOT: Okay. I have no further
9 questions.

10 MR. GOLDSTEIN: I have one or two questions, if
11 I may.

12 JUDGE SAINSOT: Of course.

13 CONTINUED DIRECT EXAMINATION

14 BY

15 MR. GOLDSTEIN:

16 Q What does the meter reading show at -- last
17 time that you -- with respect to looking at
18 Exhibit 1, you have a notation here 0815 off. Is
19 that the meter reading that you made on March 10th,
20 2004?

21 A Yes, it is.

22 Q And do you know what the last meter reading

1 was for 11411 South May back in 1992?

2 A Yes, I do.

3 Q And what was that?

4 A 0815.

5 Q So the meter had not advanced from 1992 to
6 2004; is that correct?

7 A No gas passed through the meter in that
8 period of time.

9 MR. GOLDSTEIN: Okay. I have nothing else.

10 JUDGE SAINSBOT: Mr. McNabb, any questions?

11 MR. JESSE McNABB: I have one.

12 CROSS-EXAMINATION

13 BY

14 MR. JESSE McNABB:

15 Q Mr. Krol, is it?

16 A Yes.

17 Q Mr. Krol, you say you went out when
18 Ms. Elizabeth Abrams occupied the unit.

19 A No, I didn't say that. I said that
20 Elizabeth Abrams was our last customer of record.

21 Q Now, you mentioned the fact that there was
22 a brand-new furnace there?

1 A Generally speaking, when I go to a
2 property, I'm making a judgment at the time of my
3 inspection. It looked to me like a newer furnace.

4 Q Okay. Well, when I went out there in '92
5 after I bought the unit, that was one of the items
6 that had to be replaced.

7 JUDGE SAINSOT: Is this a question, Mr. McNabb?

8 MR. JESSE McNABB: Oh, I'm sorry.

9 JUDGE SAINSOT: You can testify later on.

10 MR. JESSE McNABB: Okay. Okay.

11 JUDGE SAINSOT: Anything further?

12 MR. JESSE McNABB: No.

13 JUDGE SAINSOT: Mr. Krol, I think --.

14 MR. GOLDSTEIN: I have nothing further.

15 I would like to call my final witness,

16 Ms. Estrada.

17

18

19

20

21

22

1

2

(Witness sworn.)

3

LAURA ESTRADA,

4

having been called as a witness herein, after having

5

been first duly sworn, was examined and testified as

6

follows:

7

DIRECT EXAMINATION

8

BY

9

MR. GOLDSTEIN:

10

Q Ms. Estrada, would you state your full

11

name, please.

12

A Laura Estrada.

13

Q And spell your last name for the record.

14

A E-s-t-r-a-d-a.

15

Q And you are employed by Peoples Gas Light

16

and Coke Company; is that right?

17

A Yes.

18

Q And your position with Peoples Gas?

19

A I'm the office supervisor for the gas

20

division detection area.

21

Q And what are your duties as the office

22

supervisor?

1 A Assist with calls when necessary, review
2 reports, calculations and any other inquiries.

3 Q As part of your duties -- well, first of
4 all, how long have you been doing that?

5 A Gas division, I've been -- 12 years.

6 Q And how long have you been with the
7 company?

8 A 17 years.

9 Q And are part of your duties reviewing gas
10 bills during the rebilling process?

11 A Yes.

12 Q And during the last 12 years in the gas
13 division unit, can you give us some estimate of how
14 many rebillings you have done or reviewed?

15 A Hundreds.

16 Q All right. And am I correct that you've
17 reviewed the rebilling of the gas for 11411 South May
18 in Chicago?

19 A Yes.

20 Q And let's first start with the period of
21 time that was chosen for the rebilling. And as I
22 understand it, that period was from June 2nd, 1993,

1 to July 8th, 2002. Could you tell us why that
2 particular period was chosen for the rebilling?

3 A Because that's when we determined from
4 public records that it was recorded as Mr. McNabb
5 being the owner. That was our starting period. And
6 the end date of 2002 is when we showed our records
7 that the service was turned off at the street at the
8 main.

9 Q All right. And let me show you what I have
10 marked as Respondent's Exhibit 4 entitled degree
11 days, general description.

12 (Whereupon, Respondent's
13 Exhibit No. 4 was marked
14 for identification.)

15 BY MR. GOLDSTEIN:

16 Q Now during the process for rebilling at a
17 particular property, am I correct that Peoples Gas
18 uses a degrees day -- degree days analysis?

19 A Yes.

20 Q And could you go through Respondent's
21 Exhibit 4 and describe how the degree days are
22 determined?

1 A Well, there's a general description what it
2 is. It's a break down. But, generally, it's an
3 average temperature for an average year. And that's
4 what we used with -- along with determining what
5 dates to use it for.

6 Q And it runs for approximately a ten-year
7 period; is that right?

8 A Well, what we have is an average. It's
9 based on that ten year, yes.

10 Q And this exhibit indicates that for the ten
11 years, which we are questioning in this complaint
12 hearing, that for those ten years it's now set at
13 6,427 degree days. Would you tell us what that
14 really means.

15 A That is an average for a normal heating
16 season that we're using as a basis for our formula to
17 calculate the bill.

18 Q And all temperatures that are in question
19 are taken out at O'Hare Field; is that right?

20 A O'Hare information, yes.

21 Q Let me show you what I've marked as
22 Respondent's Exhibit 5.

1 (Whereupon, Respondent's
2 Exhibit No. 5 was marked
3 for identification.)

4 BY MR. GOLDSTEIN:

5 Q Ms. Estrada, this exhibit has a heading of
6 meter index work sheet for heating DTOs. Could you
7 explain what DTOs are?

8 A It means delay turn on date or indexes.

9 Q And basis -- go through this and start with
10 basis one and indicate to us what the meter readings
11 are and how they're factored in.

12 A Okay. Well, the to and from date we get a
13 basis of a period where there's been regular usage
14 where it's been registering on the meter and we try
15 to get an average of a year's usage. So that's why
16 those dates were used. That's the period where we
17 did have a reading to a reading for a year.

18 Q And that was February 5th of 1991 to
19 February 18th, 1992?

20 A Correct.

21 Q And that was 378 date period; correct?

22 A Correct.

1 Q And am I correct that, looking just to the
2 right of where I just read, the beginning index on
3 February 5th, 1991, it was at zero?

4 A Correct.

5 Q And the index at February 18th, 1992, was
6 00815?

7 A Correct.

8 Q All right. Is there anything else you
9 would like to point out with respect to basis number
10 one?

11 A Where it says "base load," that's where it
12 comes out for an average for non-heating appliances.
13 The last history we had was that a base load was 32.
14 And if we divide it by 30, it come up with that
15 factor of 1.067.

16 Q So the non-heating factor that would be
17 used in any calculation would be 1.067; is that
18 right?

19 A For this particular premise, yes.

20 Q And, now, could you describe for us with
21 respect to basis number two what the calculations
22 that are made there?

1 A Okay. It's basically the same information
2 but, here, it's what -- it's used for the heating
3 portion of a bill. The top portion was for
4 non-heating, which would be generally appliance as
5 far as a range, a dryer, hot water tank.

6 The middle section would be for
7 heating, furnace, room heater, anything that provides
8 a heat.

9 And that's the general information of
10 the to and from dates, the readings; and then now we
11 enter from the O'Hare degree date information an
12 average of how -- of the heating degree days for that
13 same period, from February of '91 through February
14 of '92, so that we can get our basis. And we get a
15 factor of .065 for just heating.

16 Q And these calculations as well as all the
17 calculations that are included on Respondent's
18 Exhibit 5 are done via computer at Peoples Gas?

19 A Correct.

20 Q And they're done for all the properties of
21 Peoples Gas; correct?

22 A Correct.

1 Q All right. Now go to the projection
2 portion of Exhibit 5. And those show projections
3 from July 8th, 2000 -- I'm sorry, from June 2nd,
4 1993, to July 8th of 2002, are a total of 3,323 days;
5 is that right?

6 A Correct.

7 Q And is there anything else you'd like to
8 point out with respect to the index that's used for
9 that -- for the calculation of the projection --
10 projected use of gas for that period of time?

11 A Well, it's an estimate of what should have
12 been used for that period, for the period that we're
13 saying gas was used but not metered through the gas
14 meter.

15 So with all the formulas, it gives us
16 how many cubic feet of gas should have been used for
17 that period in question, which turned out to be 7,175
18 cubic feet of gas.

19 Q Now, let me show you what I've marked as
20 Respondent's Exhibit 6, and it is entitled Peoples
21 Gas Light, slash, North Shore Gas degree days
22 calculation, O'Hare weather station.

1 (Whereupon, Respondent's
2 Exhibit No. 6 was marked
3 for identification.)

4 BY MR. GOLDSTEIN:

5 Q And this is another computer printout that
6 is used in the rebilling process by Peoples Gas; is
7 that right?

8 A That's correct.

9 Q And could you tell us what information is
10 contained on this particular exhibit?

11 A It gives us the average for the period that
12 we were using for our basis, degree days for that
13 period based on information that we obtained from
14 O'Hare weather station.

15 Q And the total degree days for that
16 particular period of time, which is February 18th
17 199- -- February 5th, 1991, to February 18th, 1992,
18 is 6,338 degree days; is that right?

19 A Correct.

20 Q Let me show you what's been marked as what
21 I'm marking as Respondent's Exhibit No. 7.

22

1 (Whereupon, Respondent's
2 Exhibit No. 7 was marked
3 for identification.)

4 BY MR. GOLDSTEIN:

5 Q It has essentially the same title as
6 Exhibit 6; that is, Peoples Gas Light, slash, North
7 Shore Gas degree days calculations, O'Hare weather
8 station.

9 And am I correct that with respect to
10 this exhibit, Ms. Estrada, this merely updates us
11 from the period of June 2nd, 1993, to July 8th, 2002,
12 and informs us as to the number of -- the total
13 number of degree days in that period of time?

14 A Correct.

15 Q And there's a notation. It contains degree
16 day information from 1/1/80 to 4/18/2004. Could you
17 tell us for the record what that refers to.

18 A It's saying that our records have all this
19 information for that period, from the bottom, from
20 January 1st of 1998 -- 1980 through April 18th, 2004,
21 which is when we were working on calculating the
22 estimated bill.

1 Q Now, in Exhibits 4, 5, 6 and 7, we have
2 been looking at how to calculate the number of degree
3 days in estimating the number of cubic feet of gas
4 that Peoples Gas believes was used at 11411 South
5 May.

6 Looking at Respondent's -- what I've
7 marked as Respondent's Exhibit 8.

8 (Whereupon, Respondent's
9 Exhibit No. 8 was marked
10 for identification.)

11 BY MR. GOLDSTEIN:

12

13 Q Could you tell us what Respondent's
14 Exhibit 8 represents.

15 A It's where we obtained our base load to
16 determine the non-heating factor, which is part of
17 the calculation. That's what this is for, just so
18 that we can get our base load for that particular
19 premise.

20 Q And --?

21 A Which is on the upper left-hand corner.

22 Q And it also indicates -- it does indicate

1 the initial readings for that 38-day period between
2 February 5th, 1991, and February 18th, 1992; is that
3 right?

4 A Right.

5 Q Now, you've taken all that information as
6 contained in Exhibits 4 through 8. And the next
7 step, I assume, is actually attempting to calculate a
8 rebill for 11411 South May; is that right?

9 A Correct.

10 Q Let me show you what I'm marking as
11 Respondent's Exhibit 9.

12 (Whereupon, Respondent's
13 Exhibit No. 9 was marked
14 for identification.)

15 BY MR. GOLDSTEIN:

16

17 Q Starting on the upper left-hand portion on
18 Respondent's Exhibit 9, Ms. Estrada, could you
19 explain to us from the information that is contained
20 on this exhibit?

21 A It's -- this is to give us a calculation of
22 a dollar figure based on what we had figured on our

1 previous formula determining the to and from date and
2 the number of cubic feet of gas.

3 We entered the from date of June 2,
4 1993, and the to date of July 8th of 2002. And we
5 entered the number of cubic feet of gas was estimated
6 was used for that period, which came out to be
7 \$7,175. With those -- I'm sorry 7,175 cubic feet of
8 gas.

9 With that information entered, it
10 gives us an approximate calculated dollar amount,
11 which came out to be \$6,354.27 net bill.

12 Q And that residence at 11411 South May
13 service under rate one, small residential service; is
14 that right?

15 A Yes.

16 Q And am I also correct that the calculation
17 that is made here of the \$6,354.27 is basically a
18 computer printout given the information that's been
19 contained in those previous exhibits, 4 through 8?

20 A Yes.

21 Q And, finally, Ms. Estrada, I'm marking
22 Respondent's Exhibit 10.

1 (Whereupon, Respondent's
2 Exhibit No. 10 was marked
3 for identification.)

4 BY MR. GOLDSTEIN:

5 Q Would it be fair to say, Ms. Estrada, that
6 Respondent's Exhibit 10 is really a summary of many
7 of the prior exhibits that I've been asking you about
8 this morning?

9 A Yes.

10 Q What does it show in general for the
11 record?

12 A It shows a formula that's used to bill this
13 amount on our new system at Peoples Energy, the
14 original amount of \$6,354.27, how many cubic feet of
15 gas we're billing, which is the \$7,175. Then we
16 enter a BTU factor, which is an average for that one
17 particular period -- or the current period, rather.

18 Then it breaks it down by original
19 therms, which is calculated from the formula, the
20 previous evidence No. 9. And then just breaks it
21 down with the formula that's on the system, and it
22 determines what amount from that \$6,354.27 is an

1 amount, pre-tax amount which is that \$5,703.79. It
2 still shows the original cubic feet of gas 7,175.
3 With that figure, it's used to printout the bill on
4 our system.

5 Q So that the bill that was sent to the
6 customer would be for a total of \$6,354.95 for the
7 period that was determined; and, that is, between
8 June 2nd, 1993, and July 8, 2002?

9 A Correct.

10 MR. GOLDSTEIN: I have nothing further.

11 JUDGE SAINSOT: Mr. McNabb?

12 MR. JESSE McNABB: Yes, I have a question.

13 CROSS-EXAMINATION

14 BY

15 MR. JESSE McNABB:

16 Q Now, this summary, is it done for all
17 accounts, both active and nonactive?

18 A No. This is used for unmetered gas.

19 Q Unmetered gas?

20 A Uh-huh.

21 Q Okay.

22 MR. JESSE McNABB: Okay.

1 JUDGE SAINSOT: I don't have any questions.

2 MR. GOLDSTEIN: I have no other witnesses.

3 JUDGE SAINSOT: Mr. Goldstein, do you want to

4 enter these into evidence?

5 MR. GOLDSTEIN: Yes. I would like to move into

6 evidence Respondent's Exhibits 4, 5, 6, 7, 8, 9 and

7 10.

8 JUDGE SAINSOT: Any objection?

9 MR. JESSE McNABB: No.

10 JUDGE SAINSOT: That being the case,

11 Mr. Goldstein, your motion is granted.

12 And for the record, Respondent's

13 Exhibit 4 is a degree day general description sheet.

14 Respondent's Exhibit 5 is a meter index work sheet.

15 Respondent's Exhibit 6 and 7 are degree day

16 calculation sheets. Respondent's Exhibit 8 is a base

17 load information sheet. Respondent's Exhibit 9 is a

18 small residence calculation sheet. And Respondent's

19 Exhibit 10 is a summary of all of the above.

20 (Whereupon, Respondent's

21 Exhibit Nos. 4-10 were

22 admitted into evidence.)

1 MR. GOLDSTEIN: Could we go off the record for
2 a moment?

3 JUDGE SAINSOT: Sure.

4 (Whereupon, a brief
5 recess was taken.)

6 JUDGE SAINSOT: Back on the record.

7 Okay. Mr. Goldstein, do you have any
8 other witnesses?

9 MR. GOLDSTEIN: I have no other witnesses.

10 JUDGE SAINSOT: Okay. Mr. McNabb -- so you're
11 officially resting?

12 MR. GOLDSTEIN: Yes.

13 JUDGE SAINSOT: Mr. McNabb, any rebuttal?

14 MR. JESSE McNABB: I'd like to recall a
15 witness.

16 JUDGE SAINSOT: Okay.

17 MR. GOLDSTEIN: Which witness?

18 MR. JESSE McNABB: The gentleman.

19 MR. GOLDSTEIN: Mr. Krol?

20 MR. JESSE McNABB: Yeah, Mr. Krol.

21 MR. GOLDSTEIN: Sure.

22

1 (Witness previously sworn.)

2 STEVEN J. KROL,

3 having been called as a witness herein, after having
4 been first duly sworn, was examined and testified as
5 follows:

6 CROSS-EXAMINATION

7 BY

8 MR. JESSE McNABB:

9 Q Mr. Krol, in your records, do you have the
10 last day of service for the last customer that
11 occupied the premises?

12 A Yes, I do.

13 Q Could you give me that day, please.

14 A We show the last customer of record as an
15 Elizabeth Abrams, and that service ran through and
16 including 2/18 of '92.

17 MR. GOLDSTEIN: And, for the record, that's
18 indicated on Respondent's Exhibit 1, Page 1.

19 BY MR. JESSE McNABB:

20 Q Because in the package that I gave you,
21 there was a bill for Elizabeth Abrams that's dated
22 for this year.

1 JUDGE SAINSBURY: You need to rephrase that as a
2 question.

3 MR. JESSE McNABB: Okay.

4 BY MR. JESSE McNABB:

5

6 Q If Elizabeth Abrams was billed -- what date
7 was that again?

8 MR. GOLDSTEIN: Do you have a copy of that that
9 we could see?

10 MR. JESSE McNABB: Pardon me?

11 MR. GOLDSTEIN: The bill.

12 MR. JESSE McNABB: Sure.

13 MR. GOLDSTEIN: Could we see that, please.

14 MR. JESSE McNABB: I haven't opened it yet.
15 It's addressed to Elizabeth Abrams and it's from
16 about a month ago.

17 MR. GOLDSTEIN: And your question is what?

18 BY MR. JESSE McNABB:

19 Q Why would we be getting a bill from the gas
20 company for Elizabeth Abrams at this time?

21 MR. GOLDSTEIN: I guess I'm going to object to
22 the question being asked of Mr. Krol. As the judge

1 will recall, Mr. Krol did the field investigation.
2 He has nothing to do with billing.

3 JUDGE SAINSOT: Yeah, I agree. He's not the
4 person to ask about that. You can ask another
5 question.

6 BY MR. JESSE McNABB:

7 Q Normally on your cutoffs are they cut off
8 at the street or at the meter?

9 A It depends on the circumstance.

10 Q Okay. In this situation involving 11411
11 South May, was it turned on at the meter -- or turned
12 off at the meter or on the streets?

13 A Initially at the meter.

14 Q At the meter.

15 A Uh-huh.

16 Q So that means that you had access to the
17 inside of the premises?

18 MR. GOLDSTEIN: Are you talking about back in
19 1992, Mr. McNabb?

20 MR. JESSE McNABB: Yeah.

21 JUDGE SAINSOT: Is that a question Mr. --

22 MR. JESSE McNABB: Yes.

1 JUDGE SAINSBURY: -- McNabb?

2 Could you rephrase it then because I

3 didn't understand the question.

4 BY MR. JESSE McNABB:

5 Q Okay. Does that mean you had access to the

6 premises to cut the gas off?

7 A Yes.

8 Q So that means -- does that mean that the

9 unit was being occupied then?

10 A I have no idea. I wasn't the person that

11 turned the service off.

12 Q Okay. In the pictures that you have, is

13 it -- can you determine whether or not that's painted

14 surface there?

15 A I'm doing this from the photo just like all

16 of us here today and from recollection. It appears

17 to be painted pipe.

18 Q No. I mean the background.

19 A I do believe I referred to it as painting.

20 I don't know if it was stained, if it was shellacked.

21 I'm not sure.

22 I mean, I'm just -- the point I was

1 trying to make is the color. I was trying to make
2 reference to the color. The piping and the back wall
3 appears to be the same color.

4 Q No. I understand that. But my question
5 was regarding the background.

6 A The background is a portion of the
7 structure of the home.

8 Q I know. I realize that.

9 A Okay.

10 Q I'm asking you if you know what the
11 background -- if you remember what the background
12 consisted of?

13 MR. GOLDSTEIN: When you say do you remember
14 the background, do you mean the color, or what are we
15 referring to? And how is it --.

16 MR. JESSE McNABB: The surface.

17 MR. GOLDSTEIN: How is it relevant to this
18 proceeding?

19 MR. JESSE McNABB: It's very relevant because
20 if it's not what I know it is to be, then that's not
21 the meter that was at the unit that I own.

22 JUDGE SAINSOT: Well, he can answer the

1 question. It may or may not have much weight, but he
2 can answer, if he remembers.

3 THE WITNESS: I don't remember, quite frankly.
4 But I -- I mean, if you're going to ask -- I don't
5 remember if it was drywall, plywood. I just don't
6 remember.

7 And from these pictures, I don't think
8 we have quite the depth of focus to determine that.
9 I mean, you would know better than I what your walls
10 are constructed of.

11 MR. JESSE McNABB: Okay. That's it.

12 MR. GOLDSTEIN: I have no questions.

13 JUDGE SAINSOT: Okay. You're excused,
14 Mr. Krol. Thank you.

15 Anything further, Mr. McNabb?

16 MR. JESSE McNABB: No.

17 JUDGE SAINSOT: Okay. Then I think we're
18 officially through. Thank you.

19 For the record or just so you know,
20 Mr. McNabb, I wait to go over the transcripts before
21 I issue an order. And the transcripts usually come
22 in about two to three weeks.

1 Thank you. Thank you all. And the
2 record is marked heard and taken.

3 HEARD AND TAKEN

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